

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

UNILOC USA, INC. and	§	
UNILOC LUXEMBOURG, S.A.,	§	Civil Action No. 2:16-cv-396
	§	
Plaintiffs,	§	
	§	
v.	§	PATENT CASE
	§	
PIRIFORM INC.,	§	
	§	
Defendant.	§	JURY TRIAL DEMANDED
	§	

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs, Uniloc USA, Inc. and Uniloc Luxembourg, S.A. (together “Uniloc”), as and for their complaint against defendant, Piriform, Inc. (“Piriform”), allege as follows:

THE PARTIES

1. Uniloc USA, Inc. (“Uniloc USA”) is a Texas corporation having a principal place of business at Legacy Town Center I, Suite 380, 7160 Dallas Parkway, Plano Texas 75024. Uniloc also maintains a place of business at 102 N. College, Suite 603, Tyler, Texas 75702.

2. Uniloc Luxembourg S.A. (“Uniloc Luxembourg”) is a Luxembourg public limited liability company having a principal place of business at 15, Rue Edward Steichen, 4th Floor, L-2540, Luxembourg (R.C.S. Luxembourg B159161).

3. Uniloc Luxembourg owns a number of patents in the field of application management in a computer network.

4. Upon information and belief, Piriform is a Delaware corporation having a principal place of business at 590 Madison Avenue, 21st Floor, New York, New York 10022 and

offering its products, including those accused herein of infringement, to customers and/or potential customers located in Texas and in the judicial Eastern District of Texas. Piriform may be served with process through its registered agent: Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

JURISDICTION AND VENUE

5. Uniloc brings this action for patent infringement under the patent laws of the United States, 35 U.S.C. § 271 *et seq.* This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338(a) and 1367.

6. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(c) and 1400(b). Upon information and belief, Piriform is deemed to reside in this judicial district, has committed acts of infringement in this judicial district, and/or has purposely transacted business involving the accused products in this judicial district, including sales to one or more customers in Texas.

7. Piriform is subject to this Court's jurisdiction pursuant to due process and/or the Texas Long Arm Statute due at least to its substantial business in this State and judicial district, including: (A) at least part of its past infringing activities, (B) regularly doing or soliciting business in Texas and/or (C) engaging in persistent conduct and/or deriving substantial revenue from goods and services provided to customers in Texas.

COUNT I
(INFRINGEMENT OF U.S. PATENT NO. 6,510,466)

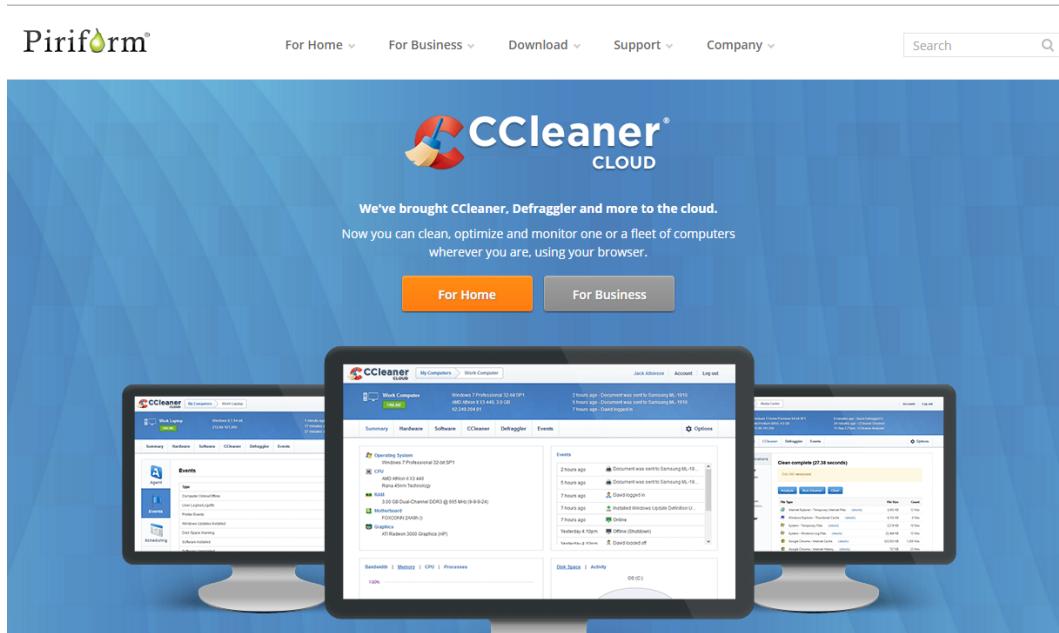
8. Uniloc incorporates paragraphs 1-7 above by reference.

9. Uniloc Luxembourg is the owner, by assignment, of U.S. Patent No. 6,510,466 (“the ‘466 Patent”), entitled METHODS, SYSTEMS AND COMPUTER PROGRAM PRODUCTS FOR CENTRALIZED MANAGEMENT OF APPLICATION PROGRAMS ON A

NETWORK that issued on January 21, 2003. A true and correct copy of the '466 Patent is attached as Exhibit A hereto.

10. Uniloc USA is the exclusive licensee of the '466 Patent with ownership of all substantial rights therein, including the right to grant sublicenses, to exclude others, and to enforce, sue and recover past damages for the infringement thereof.

11. Upon information and belief, the following describes, at least in part, the Piriform CCleaner Cloud software:

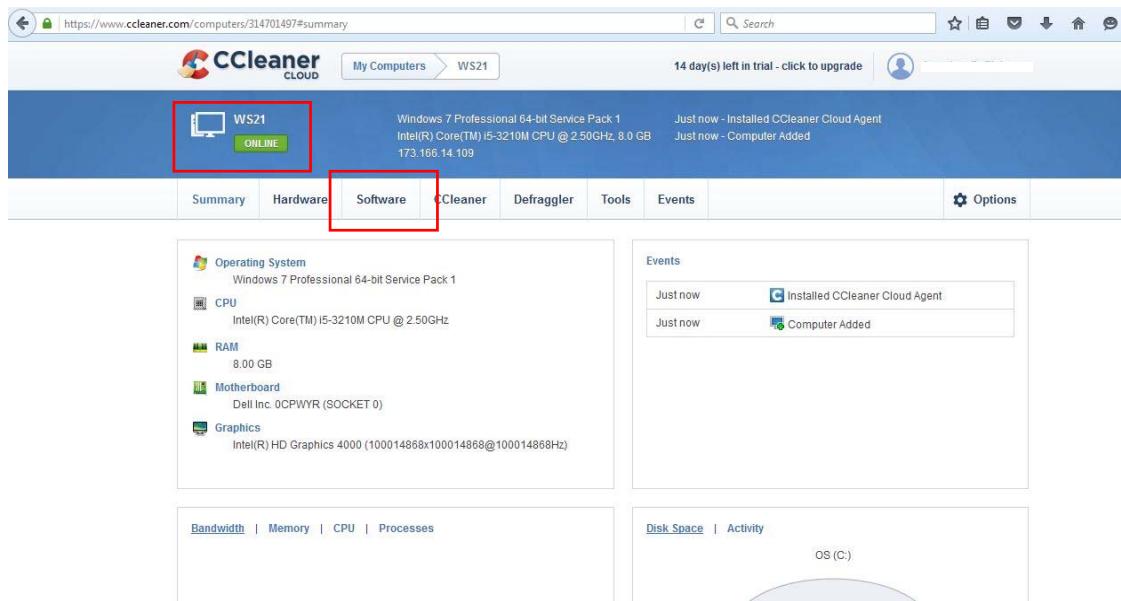


12. Upon information and belief, the following describes, at least in part, the Piriform CCleaner Cloud software:



The screenshot shows the CCleaner Cloud login page. At the top, there is a header with a back button, a lock icon indicating a secure connection, the URL https://www.ccleaner.com/login, a search bar with the placeholder 'Search', and a star icon. Below the header is the CCleaner logo with the word 'CLOUD' underneath it. To the right of the logo are two buttons: 'Switch to Business Version' and 'Get Started' (in orange) followed by a 'Login' button. The main content area is titled 'Login using your CCleaner Cloud account'. It contains fields for 'Email' (placeholder 'Enter your email...') and 'Password' (placeholder 'Enter your password...'). Below these fields are the 'Login' button and a 'Forgotten password?' link.

8. Upon information and belief, the following describes, at least in part, the Piriform CCleaner Cloud software:



The screenshot shows the CCleaner Cloud interface for a computer named 'WS21'. The top navigation bar includes a back button, a lock icon, the URL https://www.ccleaner.com/computers/314701497#summary, a search bar, and a user profile icon. A message indicates '14 day(s) left in trial - click to upgrade'. The main content area displays the computer's hardware configuration: Windows 7 Professional 64-bit Service Pack 1, Intel(R) Core(TM) i5-3210M CPU @ 2.50GHz, 8.0 GB RAM, Dell Inc. 0CPWYR (SOCKET 0) Motherboard, and Intel(R) HD Graphics 4000. Below this, there are tabs for 'Summary', 'Hardware' (which is selected and highlighted with a red box), 'Software', 'CCleaner', 'Defraggler', 'Tools', 'Events', and 'Options'. The 'Software' tab section is currently empty. The 'Events' section shows two recent events: 'Just now - Installed CCleaner Cloud Agent' and 'Just now - Computer Added'. At the bottom, there are sections for 'Bandwidth', 'Memory', 'CPU', 'Processes' on the left, and 'Disk Space', 'Activity' on the right, with a progress bar for 'OS (C)'.

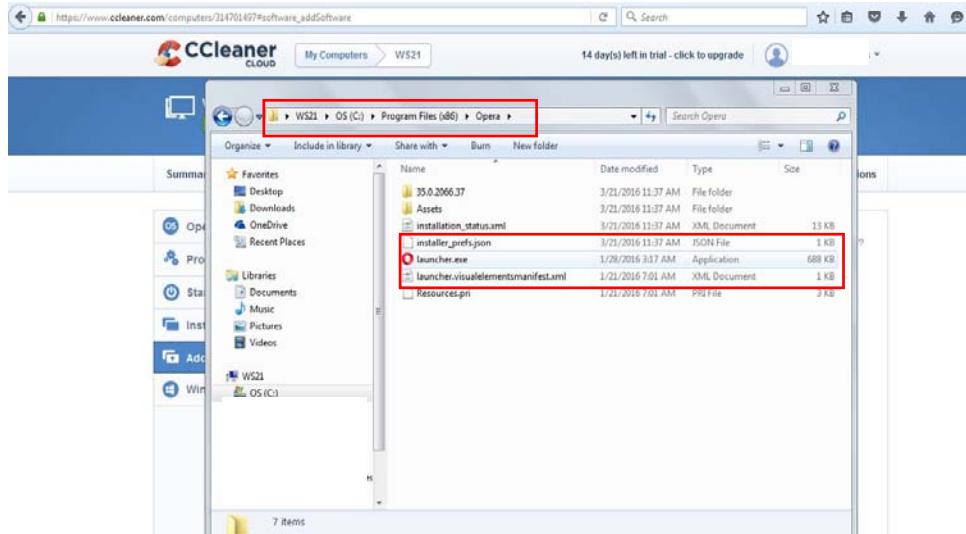
9. Upon information and belief, the following describes, at least in part, the Piriform CCleaner Cloud software:

The screenshot shows the CCleaner Cloud web interface. At the top, there's a navigation bar with a back button, a lock icon, the URL 'https://www.ccleaner.com/computers/314701497#software_addSoftware', a search bar, and various icons for account management and file download. Below the navigation is the CCleaner logo and the text 'My Computers > WS21'. A message indicates '14 day(s) left in trial - click to upgrade' and shows 'Jonathan DeBlois'. The main content area has a blue header for 'WS21' with the status 'ONLINE'. Below this, a summary of the computer's hardware: 'Windows 7 Professional 64-bit Service Pack 1', 'Intel(R) Core(TM) i5-3210M CPU @ 2.50GHz; 8.0 GB', and '173.166.14.109'. The summary tab is selected. To the right, there are tabs for 'Hardware', 'Software', 'CCleaner', 'Defraggler', 'Tools', 'Events', and 'Options'. On the left, a sidebar menu includes 'Operating System', 'Processes', 'Startup', 'Installed Software', 'Add Software' (which is currently selected), and 'Windows Update'. The main panel features a 'Add Software' section with a sub-section titled 'What software can I install?'. It lists several software icons: 7-Zip (64-bit), Adobe Reader DC, Chrome, Dropbox, Evernote, Firefox, Java (64-bit), Notepad++, Opera, Silverlight (64-bit), Skype, and VLC. Below this, there's a single icon for WinRAR (64-bit).

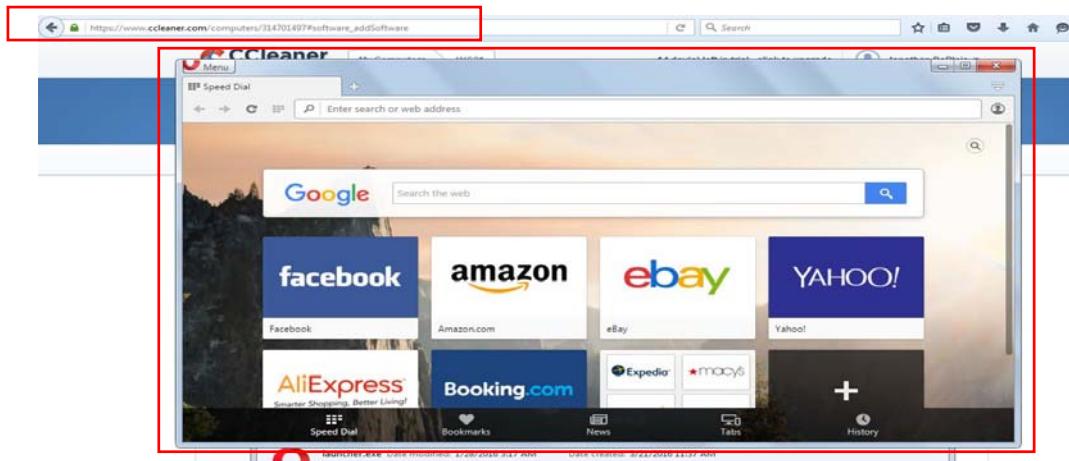
10. Upon information and belief, the following describes, at least in part, the Piriform CCleaner Cloud software:

This screenshot is similar to the previous one but includes a modal dialog box in the center. The dialog is titled 'Add Software' and asks 'Are you sure you want to install Opera?'. It provides version information ('Version: 35.0') and size ('Size: 34.4 MB'). At the bottom of the dialog are two buttons: 'Yes' and 'No'. The entire dialog box is highlighted with a red rectangular border. The rest of the interface is identical to the first screenshot, including the sidebar, main summary, and other software options.

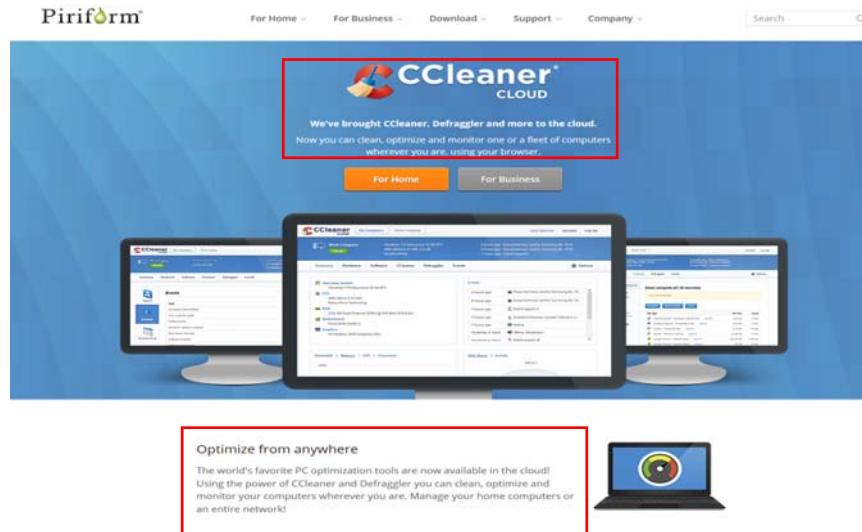
11. Upon information and belief, the following describes, at least in part, the Piriform CCleaner Cloud software:



12. Upon information and belief, the following describes, at least in part, the Piriform CCleaner Cloud software:



13. Upon information and belief, the following describes, at least in part, the Piriform CCleaner Cloud software:



14. Upon information and belief, the following describes, at least in part, the Piriform CCleaner Cloud software:

A screenshot of the CCleaner Cloud software features page. It shows three main sections: 'Quick to set up and start maintaining' (Speedy setup, simple to use; Get started with CCleaner Cloud in less than 1 minute), 'Keep all your PCs clean and fast' (Clean and defrag from your browser; CCleaner Cloud includes CCleaner, Defraggler and many other tools to help optimize your computer), and 'Manage your computers from anywhere' (Easier optimization; Quickly run or schedule your optimization with CCleaner Cloud). A red box highlights the 'Manage your computers from anywhere' section. Below these sections are two buttons: 'Monthly' and 'Annual'. Underneath the buttons are sections for 'FOR HOME USERS' and 'FOR BUSINESS USERS'.

15. Upon information and belief, the following describes, at least in part, the Piriform CCleaner Cloud software:

The screenshot shows a web page titled "What can CCleaner Cloud do?". The page lists several features: Remotely clean with CCleaner, Remotely run Windows Updates, Remotely install software, Remotely diagnose hardware issues, Improve boot time by removing bloatware, Defrag your hard drives, Monitor and manage running processes, Monitor network usage, RAM and CPU utilization, and Be alerted by email when something goes wrong. The third item, "Remotely install software", is highlighted with a red rectangular box. Below the list, it says "CCleaner Cloud has been released, so you can signup and register for an account below." An orange "Sign Up" button is visible at the bottom.

16. Piriform has directly infringed, and continues to directly infringe one or more claims of the '466 Patent in this judicial district and elsewhere in Texas, including at least Claims 1, 2, 7, 15 and 22, literally and/or under the doctrine of equivalents, by or through making, using, importing, offering for sale and/or selling its CCleaner Cloud software during the pendency of the '466 Patent which software and associated backend server architecture *inter alia* allows for installing application programs on a Piriform server, receiving a login request, establishing a user desktop, receiving a selection of one or more programs displayed in the user desktop and providing a program for execution.

17. In addition, should Piriform's CCleaner Cloud products be found to not literally infringe the asserted claims of the '466 Patent, Piriform's accused products would nevertheless infringe the asserted claims of the '466 Patent. More specifically, the accused CCleaner Cloud software performs substantially the same function (making programs available for digital

download/management), in substantially the same way (via a client/server environment), to yield substantially the same result (providing authorized programs to a client for execution). Piriform would thus be liable for direct infringement under the doctrine of equivalents.

18. Piriform may have infringed the '466 Patent through other software utilizing the same or reasonably similar functionality, including other versions of CCleaner. Uniloc reserves the right to discover and pursue all such additional infringing software.

19. Uniloc has been damaged, reparably and irreparably, by Piriform's infringement of the '466 Patent and such damage will continue unless and until Piriform is enjoined.

PRAYER FOR RELIEF

Uniloc requests that the Court enter judgment against Piriform as follows:

- (A) that Piriform has infringed the '466 Patent;
- (B) awarding Uniloc its damages suffered as a result of Piriform's infringement of the '466 Patent pursuant to 35 U.S.C. § 284;
- (C) enjoining Piriform, its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries and parents, and all others acting in concert or privity with it from infringing the '466 Patent pursuant to 35 U.S.C. § 283;
- (D) awarding Uniloc its costs, attorneys' fees, expenses and interest, and
- (E) granting Uniloc such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Uniloc hereby demands trial by jury on all issues so triable pursuant to Fed. R. Civ. P. 38.

Dated: April 12, 2016

Respectfully submitted,

/s/ Craig Tadlock

Craig Tadlock
Texas State Bar No. 00791766
Keith Smiley
Texas State Bar No. 24067869
TADLOCK LAW FIRM PLLC
2701 Dallas Parkway, Suite 360
Plano, TX 75093
Tel: (903) 730-6789
Email: craig@tadlocklawfirm.com
Email: keith@tadlocklawfirm.com

Paul J. Hayes
Kevin Gannon
CESARI AND MCKENNA, LLP
88 Black Falcon Ave
Suite 271
Boston, MA 02110
Telephone: (617) 951-2500
Facsimile: (617) 951-3927
Email: pjh@c-m.com
Email: ktg@c-m.com

ATTORNEYS FOR THE PLAINTIFFS